

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION		Docket Number (Optional) IL-11127
---	--	--------------------------------------

In re Application of: Michael P. Chriss

Application No.: 10/658,150

Filed: 09/09/2003

For: Compact Reflective Imaging Spectrometer Utilizing Immersed Gratings

The Regents of the University

The owner*, of California, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference Application Number 10/920,880**, filed on 08/17/2004, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said **reference** application, "as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application," in the event that: any such patent granted on the pending **reference** application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

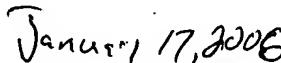
1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record. Reg. No. 25,220



Signature



Date

Eddie E. Scott

Typed or printed name

(925) 424-6897

Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

01/20/2006 RMEBRAHT 00000049 120695 10658150

02 FC:2814 65.00 DA

01-19-06



EXPRESS MAIL CERTIFICATE OF MAILING

Express Mail Certificate No. EV769097144US

I hereby certify that the *attached* correspondence comprising:

1. Authorization for Fee Payment for TWO Terminal Disclaimers to Obviate a Provisional Double Patenting Rejection Over a Pending "Reference" Application (2 pages)(original and copy), 2. Return Postcard
is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on January 17, 2006



Kathy Raymond

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Michael P. Chrisp	Docket No. :	IL-11127
Serial No. :	10/658,150	Art Unit :	2884
Filed :	09/09/2003	Examiner :	Djura Malevic
For :	COMPACT REFLECTIVE IMAGING SPECTROMETER UTILIZING IMMERSED GRATINGS		

Commissioner of Patents
Alexandria, VA 22313-1450

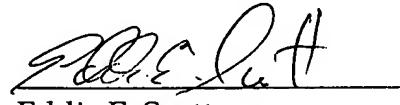
AUTHORIZATION FOR FEE PAYMENT FOR TWO
TERMINAL DISCLAIMERS TO OBLVIAE A DOUBLE PATENTING
REJECTION OVER A PENDING "REFERENCE" APPLICATION

1. A response in connection with the matter for which this authorization is provided:
 - is filed herewith
 - has been filed.
 - the response is the filing of a file wrapper or other continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application.
2. Applicant is
 - a small entity - verified statement:
 - attached
 - already filed.
 - other than a small entity

3. Fee Payment

- Charge Account No. 12-0695 in the amount of $\$65.00 \times 2 = \130.00
- Charge Account No. 12-0695 for any additional extension and/or fee required or credit for any excess fee paid.

Dated: January 17, 2066
Reg No.: 25,220
Tel. No.: (925) 424-6897


Eddie E. Scott
P.O. Box 808, L-703
Livermore, CA 94551